

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

American College of Pediatricians, *et al.*,

Plaintiffs,

v.

Xavier Becerra, in his official capacity as
Secretary of the United States Department
of Health and Human Services, *et al.*,

Defendants.

Case No. 1:21-cv-195-TAV-SKL

**DEFENDANTS' MOTION TO DENY AS PREMATURE
OR STAY PLAINTIFFS' EARLY MOTION FOR SUMMARY JUDGMENT**

Defendants hereby move this Court to deny as premature Plaintiffs' Motion for Partial Summary Judgment, ECF No. 27 (Jan. 7, 2021), or, in the alternative, to stay that motion until after resolution of Defendants' anticipated motion to dismiss. For the reasons set forth more fully in Defendants' accompanying Memorandum, denial or a stay of that motion for early summary judgment is appropriate. For these reasons, Defendants respectfully request that the Court grant this motion and enter an Order denying Plaintiffs' motion as premature or, in the alternative, enter an Order staying Plaintiffs' motion until after resolution of Defendants' anticipated motion to dismiss.

Dated: January 14, 2022

Respectfully submitted,

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/s/ Jordan L. Von Bokern

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